IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE ACTING CHIEF JUSTICE MR.K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 13TH MARCH 2007 / 22ND PHALGUNA 1928

WA.No. 652 of 2007()

AGAINST THE JUDGEMENT IN WPC.7840/2007 Dated 08/03/2007
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APPELLANT: PETITIONER:

SUNNY HOUSING (INDIA) PVT.LTD.,
SUNNY ESTATES, MAMANGALAM, EDAPALLY,
PALARIVATTOM, KOCHI-25. REP BY ITS POWER OF
ATTORNEY HOLDER, MR.K.G.HARIHARAN,
PUBLIC RELATIONS OFFICER.

BY ADV. SRI.S.ANANTHAKRISHNAN
SRI.N.K.SUBRAMANIAN

RESPONDENT: RESPONDENT

TAHASILDAR, KANAYANOOR TALUK,
ERNAKULAM DISTRICT.

BY SPL.GOVT.PLEADER (TAXES) SRI. MATHEW G.VADAKKEL

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 13/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. RADHAKRISHNAN, Ag.C.J. & M.N. KRISHNAN, J.

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W.A. NO 652 OF 2007

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Dated this the 15th day of March, 2007.

J U D G M E N T

Radhakrishnan,(Ag.C.J.)

The writ petition was preferred by the appellant herein seeking a writ of certiorari to quash Ext.P3 demand notice on the ground that before passing the assessment order the petitioner was not heard by the Tahsildar. Learned Government Pleader submitted that though notice was issued to the petitioner, petitioner did not appear before the Tahsildar and produced documents. Considering the facts and circumstances of the case we find it appropriate that the petitioner is given an opportunity to produce the documents before the Tahsildar. We are, therefore, inclined to set aside Exts.P3 and P4 orders and direct the Tahsildar to consider Ext.P2 objections and give an opportunity to the petitioner to produce relevant documents and then pass appropriate orders on merits. Petitioner, if so advised, may produce all relevant documents, before the Tahsildar within a period of 2 weeks from today. The Tahsildar would dispose of the

matter taking note of all records already produced and to be produced by the appellant/petitioner before him and after hearing the petitioner would pass appropriate orders within a period of 6 weeks from the date of receipt of a copy of this judgment.

The Writ Appeal is disposed of with the above direction.

K.S. RADHAKRISHNAN,
ACTING CHIEF JUSTICE.

M.N. KRISHNAN, JUDGE.

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